



TOWN OF LOS GATOS
PLANNING COMMISSION MEETING
ACTION MINUTES
TOWN COUNCIL CHAMBERS
110 E. MAIN STREET
WEDNESDAY, MARCH 8, 2006 -- 7:00 P.M.

Please refer to compact disk #03-08-06 to hear the entire proceedings of this meeting.

ROLL CALL:

Present: Phil Micciche, Chair; Joanne Talesfore, Vice Chair; John Bourgeois, D. Michael Kane, Thomas O'Donnell, Lee Quintana and Stephen M. Rice

Absent: None

Others: Assistant Community Development Director Randy Tsuda, Assistant Planner Vu-Bang Nguyen, Associate Civil Engineer Fletcher Parsons and Town Attorney Orry Korb

VERBAL COMMUNICATION

Ray Davis Commented on lack of graciousness extended to the public by some members of the Commission, asked that Commissioners be given the opportunity for open dialog and the procedures used to run the meetings.

APPROVAL OF MINUTES

February 22, 2006 - Motion by Commissioner Bourgeois and seconded by Commissioner Kane to approve meeting minutes. Passed unanimously.

CONSENT CALENDAR - NONE

CONTINUED PUBLIC HEARING - NONE

NEW PUBLIC HEARINGS

ITEM 1 **233 N. Santa Cruz Avenue, Suite A**
Conditional Use Permit U-05-015

Requesting approval to operate a personal service business on property zoned C-2.
APN 510-17-086.

PROPERTY OWNER/APPLICANT: Jim Pietrantonio

PUBLIC TESTIMONY by Gerry DeYoung and Jim Pietrantonio.

MOTION: Motion by Commissioner Quintana and seconded by Commissioner Kane to deny Conditional Use Permit U-05-015 since required findings conditions could not be made as noted in Exhibits A and B of report dated March 2, 2006.

Motion for denial failed 2 - 5 with Commissioners Bourgeois, Micciche, O'Donnell, Rice and Talesfore dissenting.

MOTION: Motion by Commissioner O'Donnell and seconded by Commissioner Rice to approve Conditional Use Permit U-05-015. The required findings were made as noted in Exhibit A of report dated March 2, 206 and the application incorporated the conditions as noted in Exhibit B of the report dated March 2, 2006 with added conditions as follows:

- 5. EMPLOYEES: No more than one esthetician shall be present at any time.**
- 6. ESTHETICIAN CONSULTATION AREA: The esthetician consultation area shall not expand beyond the square footage shown in the approved plans.**
- 7. ENFORCEMENT: The Community Development Department may require the applicant to provide documentation of the ratio of service and retail sales to ensure that more than half of the gross sales are of retail goods on an ongoing basis.**

Motion carried 5 - 2 with Commissioners Quintana and Kane dissenting. Commissioner Quintana provided the following reasons for not supporting the motion: a) land use is inconsistent with the General Plan, b) over concentration of personal service business in this area of the CBD, and c) personal service business detracts from the existing retail in this area.

Appeal rights recited by Mr. Korb.

ITEM 2 **303 N. Santa Cruz Avenue**
Conditional Use Permit U-06-013

Requesting approval to modify a Conditional Use Permit for a restaurant/bakery (La Maisson Du Croissant), to increase the number of seats, hours of operation and to serve beer and wine for a new restaurant (James Randall), on property zoned C-2. APN 510-14-048
PROPERTY OWNER: Bert Millen
APPLICANT: Brenda Hammond

PUBLIC TESTIMONY by Brenda Hammond and Kathleen King.

After discussion of this item, Commissioner Kane asked whether he should recuse himself from the vote since he is personal friends with the applicant for this project.

MOTION: Motion by Commissioner Bourgeois and seconded by Commissioner Talesfore to forward a recommendation to the Town Council on Conditional Use Permit U-06-013 for final consideration with the following added condition:

- 6. OUTDOOR FURNITURE: Outdoor furniture shall be of high quality in terms of materials and appearance (Plastic furniture is not permitted). If the outdoor furniture is left outside it must be of a quality that provides a high quality appearance.**

Motion carried 6-0-1 with Commissioner Kane recused due to instructions from the Town Attorney.

Appeal rights recited by Mr. Korb.

CONTINUED OTHER BUSINESS - NONE

NEW OTHER BUSINESS

Sub-Committee Reports

Historic Preservation Committee - Commissioner Kane reported on the March 1, 2006 meeting where nine items were before the committee. Committee nominated Kendra Birch, Chair and Len Pacheco, Vice Chair. Another special meeting will be held this month where discussion will focus on demolition. Committee continues to work on the Residential Design Guidelines and the bibliography.

Conceptual Development Advisory Committee - Commissioner Talesfore commented on two proposed applications: 1) a proposed residential development on the site of the Thrash house on Los Gatos Blvd and 2) a proposed restaurant/retail project on the site adjacent to Office Depot on Los Gatos Blvd (formerly the Los Gatos Auto Mall).

General Plan Committee - Commissioner O'Donnell commented on the kick off of discussions regarding the updating of the North 40 Specific Plan which will take place over the next year.

Report from Director of Community Development - Mr. Tsuda reported that of 9 cities polled regarding the order of business/format of agendas 5 of 9 cities placed "Subcommittee Reports" at the end of the agendas while 4 cities did not include them at all. Mr. Tsuda reported the Planning Commission meeting on March 22, 2006 is canceled since 5 Commissioners will be at the Planners Institute. Items scheduled for that agenda will be re-agendized to upcoming meetings. At this time, the Town Council/Planning Commission retreat is tentatively scheduled for May/June, but a final date has not been determined.

Commission Matters - Commissioner Kane requested the issue of agenda format/Subcommittee reports be agendized for a future meeting.

ADJOURNMENT

Chair Micciche adjourned the meeting at approximately 8:35 P.M.

TOWN OF LOS GATOS PLANNING COMMISSION
March 8, 2006

Phil Micciche, Chair

APPROVED AS TO FORM AND ATTEST:

Randy Tsuda
Assistant Director of Community
Development

Bud N. Lortz
Director of Community Development